IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO. 1251 OF 2005

Indira Rashtriya Kamgar Sahakari Society Ltd. ... Petitioner.

Vs.

Surejbali Sonai Rajbhar & Ors. ...Respondents.

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Mr. P. M. Patel for the Petitioner.
Mr.R. V. Giri with Mr. R.R. Mahagaonkar for Respondent

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CORAM : DR.D.Y.CHANDRACHUD, J.

May 2, 2005.

P.C.:

This petition challenges an order dated 30th October 2004 of the Presenting Officer of the Tenth Labour Court at Mumbai in an application under Section 33-C(2) of the the Industrial Disputes Act, 1947, being Application (IDA) No.261 of 2002. The impugned order was passed in a batch of applications under Section 33-C(2) since common questions arose therein. The correctness of the order came up for consideration before this Court in Writ Petition 809 of 2005 which was allowed by a judgment and order dated 28th March 2005. The order was quashed and set aside and the application under Section 33-C(2)

was restored to the file of the Labour Court for disposal in the light of the observations contained in the order. The facts of the present case are, it is common ground, indistinguishable from those which arose before the Court in Writ Petition 809 of 2005. For the reasons already indicated by this Court on 28th March 2005 while disposing of Writ Petition 809 of 2005, this petition shall stand disposed of in similar terms. For the reasons already indicated in the companion matter, this petition is allowed and the impugned order dated 30th March 2004 in IDA No.261 of 2002 is quashed and set aside. The application is restored to the file of the Tenth Labour Court . Parties shall appear before the Labour Court for receiving directions on 13th June 2005. The Labour Court shall set down the a time schedule for early disposal of the application and shall dispose it of on or before 30th September 2005. In consequence of the aforesaid directions, the recovery certificate dated 29th January 2005 issued by the Assistant Commissioner of Labour shall also stand set aside.

The petition is disposed of in the aforesaid terms.

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